

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being Canceled.

Claims 1, 51 and 59 are currently being amended.

Claims 80 and 81 are currently being added.

This amendment and reply adds and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding and amending the claims as set forth above, claims 1-4, 25-32, 50, 51, 59, 80 and 81 are pending in this application for further examination on the merits, whereby claims 5-18, 21, 22, 33-38, 40-49, 52-58 and 60-79 are also pending but are withdrawn from consideration.

Examiner Interview:

Applicant's representative appreciates the courtesies extended to him by Examiner Woldemariam, during a telephone interview conducted on September 14, 2010. The statements made in the Interview Summary included with the final Office Action are correct.

Claim Amendments – 35 U.S.C. § 101:

Claims 1, 51 and 59 have been amended based on the Examiner's suggestions made on page 2 of the final Office Action, to overcome any possible 35 U.S.C. § 101 issues with respect to the claims.

Claim Rejections – Prior Art:

In the final Office Action, claims 1-4, 25-32, 51 and 59 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,345,111 to Yamaguchi et al. ("Yamaguchi") and claims 27-32 and 50 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over Yamaguchi in view of Peng et al. (“Probabilistic Feature Relevance Learning for Content-Based Image Retrieval”). These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 now recites

an editing probability estimation unit configured to compute a value X corresponding to a probability for an editing process to be applied to an image for each local region, based on either a learning image or a device characteristic input to the editing probability estimation unit;

a local region weight calculation unit configured to calculate an image-region-based weight value based on the probability for the editing process output by the editing probability estimation unit.

The above features have been added to claim 1 in order to more clearly distinguish over the cited art of record, based on suggestions by the Examiner during an Examiner’s Interview conducted on September 14, 2010 to add more details to the claims. The claimed editing probability estimation unit and the claimed local region weight calculation unit are not taught or suggested by the cited art of record.

Additionally, independent claim 1 recites “an image similarity calculation unit configured to calculate the image similarity between the inquiry image and the reference image by comparing the feature quantity for each divided small region of the inquiry image with a feature quantity for each divided small region of the reference image, using the image-region-based weight value.”

On page 3, lines 11-20 of the Final Office Action, it asserts that the features of the image similarity calculation unit of claim 1 are disclosed by item 406 and 407, Figure 20, Figure 21 and column 24, lines 25-49 of Yamaguchi. This assertion is incorrect.

Yamaguchi describes that the face detection section 406 executes an Affine transformation and extracts a part image (face image) of predetermined size and, more specifically, the predetermined size image (N pixels x N pixels) is extracted by raster scan and, for each extracted image, a similarity to a dictionary pattern (reference dictionary pattern) of the face image is calculated (see column 24, lines 25-49 of Yamaguchi).

That is, Yamaguchi merely discloses calculating the similarity between the part image of the input image and reference dictionary pattern of the face image, but is silent as to “comparing the feature quantity for each divided small region of the inquiry image with a feature quantity for each divided small region of the reference image, using the image-region-based weight value.”

At least the above features of independent claim 1 are not disclosed or suggested by Yamaguchi. Independent claims 51 and 59 recite similar features, and thus those claims are also not disclosed or suggested by Yamaguchi.

Peng does not rectify the above-mentioned deficiencies of Yamaguchi, and so independent claim 1, as well as independent claims 51 and 59 that recite similar features, patentably distinguish over the cited art of record, when taken as a whole.

New Claims:

New claims 80 and 81 have been added to recite additional features of the present invention, again based on a suggestion made by the examiner during an Examiner Interview conducted on September 14, 2010, to provide more details to more clearly distinguish over the cited art of record.

Conclusion:

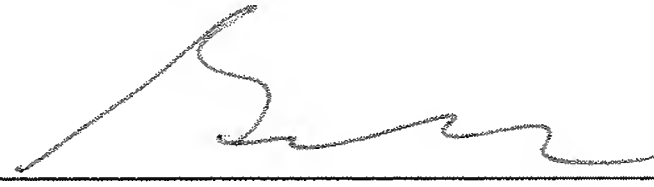
All of the issues raised in the final Office Action have been addressed in this Amendment and Reply. Thus, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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